## ORIGINAL

FILED DISTRICT COURT OF GUAM

OCT 14 2005

MARY L.M. MORAN CLERK OF COURT

LEONARDO M. RAPADAS United States Attorney MARIVIC P. DAVID Assistant U.S. Attorney Sirena Plaza Suite 500 108 Hernan Cortez Avenue Hagatna, Guam 96910 Telephone: (671) 472-7332

Telecopier: (671) 472-7334

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Attorneys for United States of America

## IN THE UNITED STATES DISTRICT COURT

## FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,	CRIMINAL CASE NO. 05-00007
Plaintiff,	
vs.	GOVERNMENT'S MOTION FOR A DOWNWARD DEPARTURE UNDER USSG § 5K1.1 AND 18 U.S.C. § 3553(e)
MICHAEL ATOIGUE BURGOS,	
Defendant.	) )

Comes now the United States and moves, pursuant to USSG § 5K1.1 and 18 U.S.C. § 3553(e), for a downward departure from the statutory mandatory minimum sentence of 20 years to the applicable total offense level of Level 31. A Criminal History Category II and Level 31 yield an advisory guideline range of 121 to 151 months. The government will recommend the minimum term under said range, and the reasons for such recommendation are set forth in a memorandum, which the government is seeking to file under seal for reasons of security and further investigations are presently pending.

RESPECTFULLY SUBMITTED this \_\_\_\_\_\_ day of October 2005.

LEONARDO M. RAPADAS United States Attorney Districts of Guam and CNMI

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By:

MARIVIC P. DAVID Assistant U.S. Attorney

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